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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Case No. 2:16-CR-0053-RFB

Plaintiff,

v.

DEVONTAE MOTEN, aka "Vonte,"

Defendant.

STIPULATION TO CONTINUE SENTENCING
(Second Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United States Attorney, and Brandon C. Jaroch, Assistant United States Attorney, counsel for the United States of America, and Gia McGillivray, Esq., counsel for Devontae Moten, that the sentencing hearing currently scheduled for March 2, 2017, at the hour of 3:00 p.m. be vacated and continued to March 9, 2017, at the hour of 3:00 p.m. The request for a continuance is based upon the following:

1. The additional time requested by this Stipulation to Continue Sentencing Hearing is reasonable pursuant to Fed.R.Crim.P. Rule 32(b)(2), which states that the "court may, for good cause, change any time limits prescribed in this rule;"
2. The Parties currently have scheduling conflicts that interfere with the current sentencing

1 date;

2 3. The defendant Devontae Moten is in custody and does not oppose the continuance;

3 4. The Government has no objection to the requested continuance;

4 5. The additional time requested herein is not sought for the purpose of delay;

5 6. Denial of this request for a continuance could result in a miscarriage of justice; and

6 7. This is the second stipulation to continue sentencing in this case;

7 DATED this 23rd day of February, 2017.

8
9 /s/ Gia McGillivray

10 GIA MCGILLIVRAY, ESQ.
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13 Las Vegas, Nevada 89123
14 Attorney for Devontae Moten
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/s/ Brandon Jaroch

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

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,

Defendant.

Case No. 2:16-CR-0053-RFB

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds:

1. The additional time requested by this Stipulation to Continue Sentencing Hearing is reasonable pursuant to Fed.R.Crim.P. Rule 32(b)(2), which states that the "court may, for good cause, change any time limits prescribed in this rule."
2. The Parties currently have scheduling conflicts that interfere with the current sentencing date.
3. The defendant Devontae Moten is in custody and does not oppose the continuance.
4. The Government has no objection to the requested continuance.
5. The additional time requested herein is not sought for the purpose of delay.
6. Additionally, denial of this request for a continuance could result in a miscarriage of

1 justice.

2 7. This is the second stipulation to continue sentencing in this case.

3 **CONCLUSIONS OF LAW**

4 The ends of justice served by granting said continuance outweigh the best interests of the
5 public in proceeding with the sentencing hearing as scheduled, since the failure to grant said
6 continuance would be likely to result in a miscarriage of justice, would deny the defendant
7 sufficient time and the opportunity within which to be able to effectively and thoroughly prepare
8 for sentencing, taking into account the exercise of due diligence.

9 **ORDER**

10 IT IS THEREFORE ORDERED that the Sentencing date in this matter scheduled for
11 March 2, 2017, be vacated and continued to the 9th day of March, 2017, at the hour of 3:00 p.m.

12 DATED this 23rd day of February, 2017.

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16 RICHARD F. BOULWARE, II
17 UNITED STATES DISTRICT JUDGE
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